



Express Mail No. EV 456 919 625 US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of: Falb <i>et al.</i>	Confirmation No.: 2738
Serial No.: 09/970,820	Art Unit: 1636
Filed: October 5, 2001	Examiner: MICHAEL D BURKHART
For: COMPOSITIONS AND METHODS FOR THE TREATMENT AND DIAGNOSIS OF CARDIOVASCULAR DISEASE	Attorney Docket No: 7853-0248-999 (709181-999242)

**PETITION TO ACCEPT AN UNINTENTIONALLY  
DELAYED CLAIM FOR PRIORITY UNDER 37 C.F.R. § 1.78**

Mail Stop Petition  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with 37 C.F.R. § 1.78, Applicants respectfully request acceptance of an unintentionally delayed claim for the benefit of a prior-filed application under 35 U.S.C. § 120.

Applicants respectfully submit that the prior benefit claim did not properly identify all of the prior applications and the relationship between each application to have the benefit of the filing date of the first filed application. The above-identified application was filed October 5, 2001, claiming “[t]his is a continuation-in-part of co-pending application serial number 08/386,844, filed February 10, 1995, which is hereby incorporated by reference in its entirety.” Applicants proper benefit claim should read as follows: “This is a continuation of Application Serial No. 09/176,330, filed October 22, 1998, now abandoned, which is a divisional of Application Serial No. 08/485,573, filed June 7, 1995, now Pat. No. 5,968,770, which is a continuation-in-part of Application Serial No. 08/386,844, filed on February 10, 1995, now Pat. No. 6,156,500.” Applicants learned of this improper

benefit claim upon the receipt of a non-final Office Action, mailed November 3, 2004, wherein the Examiner states that Applicants have not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. § 120.

The entire delay between the date the claim was due under 37 C.F.R. § 1.78(a)(2)(ii) and the date the claim was filed was unintentional. Applicants hereby petition to accept the unintentionally delayed claim for priority under 37 C.F.R. § 1.78. If this petition is accepted, Applicants respectfully request that the specification of the above-identified application be amended to reflect the proper benefit claim, as provided in the accompanying Amendment and Response under 37 C.F.R. § 1.111.

Applicants believe the fee for this Petition is \$1370.00 and request that the fee be charged to Jones Day Deposit Account No. 50-3013. The Commissioner is authorized to charge the petition fee, and any other required fees or credit any overpayment to Jones Day Deposit Account No. 50-3013. A copy of this paper is attached.

Date: April 4, 2005

Respectfully submitted,

  
Nikolaos C. George 39,201  
(Reg. No.)  
**JONES DAY**  
222 East 41st Street  
New York, New York 10017  
(212) 326-3939

**COPY**

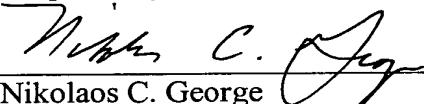
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The entire delay between the date the claim was due under 37 C.F.R. § 1.78(a)(2)(ii) and the date the claim was filed was unintentional. Applicants hereby petition to accept the unintentionally delayed claim for priority under 37 C.F.R. § 1.78. If this petition is accepted, Applicants respectfully request that the specification of the above-identified application be amended to reflect the proper benefit claim, as provided in the accompanying Amendment and Response under 37 C.F.R. § 1.111.

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